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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Seventh session

SUMMARY RECORD OF THE 10th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 1 December 1992, at 10 a.m.

Chairman: Mr. ALSTON

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The meeting was called to order at 10.15 a.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

1. The CHAIRMAN said that on the previous day the sessional working group had had a very successful meeting to prepare the lists of questions, which would be finally adopted by the pre-sessional working group in January 1993. If members had any further suggestions, they could be added. The draft optional protocol, which the Committee had been hoping to discuss at the present meeting, would not be available in the working languages until the next meeting.

PREPARATORY ACTIVITIES RELATING TO THE WORLD CONFERENCE ON HUMAN RIGHTS (agenda item 7)

2. The CHAIRMAN said that the Committee ought to make a submission to the World Conference, or at least to the Preparatory Committee. He was prepared to draft a short paper, but before doing so he would like to hear the comments of members.

3. Mrs. JIMÉNEZ BUTRAGUEÑO read out some recommendations presented to the Preparatory Committee for the World Conference by the International Federation on Ageing and the American Association of Retired Persons, contained in document A/CONF.157/PC/46/Add.7. She suggested that in its submission the Committee should draw attention to the importance of the human rights of the elderly.

4. Mr. SIMMA said that the Committee should make a distinctive input to the World Conference, more precise and specific than its first paper. The input should be related to the Committee's method of work and to the way in which the Covenant was being implemented and the problems that were being encountered. The Committee's best contribution would perhaps be an optional protocol to the Covenant, on which work should be continued.

5. Mr. NENEMAN fully agreed with Mr. Simma's remarks. The Committee could also highlight problems like the universal acceptance of the Covenant, to which the United States of America, in particular, was unfortunately not yet a party. It might also be a good idea to consider the possibility of uniting the two International Covenants on Human Rights, since the political conditions which had originally led to their subject-matter being divided into two separate instruments had disappeared. An optional protocol to the International Convention on Economic, Social and Cultural Rights would be more readily acceptable now than it would have been before, since regional organizations had paved the way in some respects.

6. The CHAIRMAN observed that the meeting of persons chairing human rights treaty bodies had called on States to ratify both Covenants; six States had ratified one but not the other.

7. Mr. MRATCHKOV agreed with the comments made by Mr. Simma and Mr. Neneman. He suggested that the Committee might mention the problem of periodic reporting, without indicating the countries that had not submitted their reports on time. In view of the present unfavourable economic situation in

both developing and developed countries and the resulting vulnerability of economic, social and cultural rights, the Committee might insist that States parties be requested to supply more information on how the Covenant was being implemented in actual practice. The indivisibility of all human rights should also be stressed.

8. Mr. RATTRAY said that his basic concern was to give concrete meaning to the concept that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights were interdependent and indivisible. The Committee had tried to lay down some basic criteria and standards by which violations would be judged but it had not yet found any general basis for ensuring that the rights proclaimed in the International Convention on Economic, Social and Cultural Rights were legally enforceable and justiciable. A strategy should therefore be devised for moving towards the acceptance of the full enforceability and justiciability of economic, social and cultural rights. That was a fundamental challenge which the World Conference would have to face, since civil and political rights could hardly be enjoyed on an empty stomach, especially in developing countries. The Committee was uniquely placed to deal with the issue of interdependence and indivisibility, and it should therefore establish basic standards for the domestic enforceability of the rights set forth in the Covenant.

9. Mr. SIMMA noted that the meeting of persons chairing human rights treaty bodies had recommended that a sessional working group of chairpersons should be convened during sessions of the Preparatory Committee and at the World Conference itself. He welcomed Mr. Neneman's idea that the time might be ripe for merging the two International Covenants on Human Rights. Of the six States that had ratified one of the Covenants but not the other, only one, the United States of America, had ratified the International Covenant on Civil and Political Rights but not the International Covenant on Economic, Social and Cultural Rights. He agreed with Mr. Rattray that the Committee had a natural role to play in developing the interdependence and indivisibility of the two Covenants, although some difficulties might be encountered, since a number of States did quite well in implementing economic, social and cultural rights without recognizing that they had the same status as civil and political rights.

10. The CHAIRMAN said that he would take account of the comments and suggestions made and would produce a draft text for further reflection.

The meeting rose at 10.50 a.m.